MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2016/2017 SESSION

UPR4612 – PROFESSIONAL PRACTICE I

(All Sections / Groups)

21 OCTOBER 2016
Reading Time: 09:00AM-09:15AM
(15 Minutes)
Answering Time: 09:15AM-12:15 NOON
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. **Section A is COMPULSORY** and carries 40 marks. In **Section B attempt ANY 3 out of 4 questions**. All questions in Section B carry equal marks and the distribution of the marks for each question is as given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of:-
   a. National Land Code 1965
   b. Housing Development (Control and Licensing) Act 1966.
   c. Strata Titles Act 1985
   d. Strata Management Act 2013
   e. Legal Profession Act 1976 (Act 166) and subsidiary legislation.

   Students are not allowed to lend or borrow statute(s) during the Examination.

5. Please write all your answers in the Answer Booklet provided.

6. Please **highlight** or **underline** all cases and statutory reference.

SECTION A: COMPULSORY

QUESTION 1

(a) Azlina has saved a sum of RM100,000/- for the past 10 years in hope to buy a semi-D house in Simpang Ampat, Melaka as her dream home (hereinafter referred to as 'the property'). She realises that the property market is kind of lack stride and less demand. She takes this as the best chance to enter the market to snap the attractive package and freebies for homebuyers. She has her eyes on The Platinum Village which is currently developed by Mah Timm Development Sdn Bhd. She approached the marketing agent and placed a sum of RM5,000/- and signed an offer to purchase. The property is to be erected on Master Titles No. H.S(D) 224 and H.S(D) 225, Daerah Alor Gajah, Melaka (hereinafter referred to as the said 'Master Titles') where individual title is to be issued next month. The property is subject to a restriction that it cannot be transferred without consent of state authority and currently charged to Citibank Bank for a bridging loan granted to the developer. She agrees to appoint you to complete the purchase and handle her housing loan with Azim Bank Berhad.

Advise Azlina on the purchase and loan process.

(20 marks)

(b) The long awaited development in the housing industry occurred last year with the latest amendments to the Housing Development (Control & Licensing) Act 1966 which came into force on 1st June 2015.

Please discuss.

(20 marks)

(Total: 40 Marks)

Continued...

SECTION B: ANSWER ANY 3 OUT OF 4 QUESTIONS

QUESTION 2

(a) What is the legal requirement of a solicitor's undertaking?

(10 marks)

(b) Lisa was retained to take over the conduct of Vanida Omar medical negligence case against Government of Malaysia and Hospital Sungai Buloh from her previous solicitors, Messrs Melissa Wong & Partners. Lisa has given a written undertaking to settle the outstanding legal fee and disbursement owed by her client to the said legal firm. The matter was subsequently tried in court and decided in favor of Vanida where she was paid millions over the loss and pains she suffered. The firm has demanded Lisa to settle and honour the unpaid legal costs which she undertook. Lisa in turn, has refused to settle for the reason that the legal firm has failed to carry out the legal action diligently when it commenced the case on behalf of Vanida.

Please advise the firm on how to seek for the refund of the unpaid legal cost.

(10 marks)

(Total: 20 Marks)

QUESTION 3

Amy Yoon is a lawyer specialising in running down cases in Muar, Johor. Her legal business is slow and she was approached by Ah Foon to act for his recommended client who was a victim in a motor vehicle accident. Ah Foon tried to impress upon Amy that his reward is just a one off payment of RM1,000/- for each and every recommended client. To expand and explore ways to improve her business, she is also considering to approach her long-time pal, Vannessa who is a senior management personnel in a housing developer firm to empanel her and work on her Sale and Purchase cases. For that, Amy is willing to divide her legal fee 50-50 or pay her RM500/- per case to procure the work. On a separate note, she was recently being approached to continue an existing divorce suit for her client, Tammy. However, at the hearing date, she was informed by the opposing counsel to file the relevant court documents to appear for her client who still has her previous solicitor on record.

Advise Amy Yoon on her recent activities whether there is any legal contravention and the next course of action, if any.

(Total: 20 marks)

Continued...

QUESTION 4

Arthur Kumar is an Indian lawyer who has been practising in trust law, internet law and international trade arbitration in Karnataka, India. He joins his wife who has been transferred to Malaysia as the new regional manager of Voir Malaysia. He wishes to continue his practise as a lawyer as he believes that the legal system in Malaysia has a lot of similarities with his home country. He approaches you as to the types of admission to practice which are currently available for him.

Advise Arthur Kumar.

(Total :20 marks)

QUESTION 5

James Khong was retained by Dato Kevin Tee as the defence lawyer for his son who was sued for breach of contract by Setia World Sdn Bhd for goods sold and delivered. The matter was settled out of court after a few round of negotiations. A settlement agreement was inked in consequence thereto. A year later, James Khong was appointed as Setia World Sdn Bhd lawyer in another suit in a related transaction by Dato Kevin Tee who is the Defendant. Dato Kevin Tee's lawyer has raised preliminary objection against James Khong's appointment as he may be called as a material witness in this latest suit. James Khong refuses to discharge himself from acting and wish to continue with the matter which has been set for trial next month.

Comment on James Khong's conduct and the possible consequence/s from the Bar Council if any.

(Total: 20 marks)

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